

**E-Filing**

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**FILED**

MAY 24 2006

RIC. CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12  
13 UNITED STATES OF AMERICA, )

No. CR 06-00273 RMW

14 )  
15 Plaintiff, )

16 v. )

17 MELINDA NEWENS, )

18 Defendant. )  
19

**[PROPOSED]**  
**ORDER EXCLUDING TIME**

20 1. The parties appeared before the Court on Thursday, May 18, 2006, for defendant's  
21 initial appearance on the Information. Defendant waived indictment. The case was assigned to  
22 Judge Whyte. Defense counsel requested that the matter be set for a first appearance in District  
23 Court to occur on June 26, 2006. Defendant agreed to an exclusion of time between May 18 and  
24 June 26, 2006, based on the continuity of defense counsel – whose schedule did not permit an  
25 earlier setting – and also for defense preparation. The government did not object to the June 26<sup>th</sup>  
26 date.

27 2. Accordingly, at defendant's request, this Court scheduled the next appearance  
28 before the district court to occur on **Monday, June 26, 2006**, at 9:00 a.m., before The Honorable

1 Ronald M. Whyte, United States District Judge.

2 3. Based upon the foregoing requests and representations made by the parties in open  
3 court, and good cause appearing therefor,

4 **IT IS THEREFORE HEREBY ORDERED** that the time between May 18 and June 26,  
5 2006, – a total of 39 days – shall be excluded from the computation the period within which the  
6 trial must commence, for the reasons set forth by the parties. The Court finds that the ends of  
7 justice outweigh the interests of the public and the parties in a speedier trial based upon the  
8 grounds set forth above and finds that the time is appropriately excluded pursuant to 18 U.S.C.  
9 §§ 3161(h)(8)(A) and (B)(i) and (iv).

10 DATED:

11   
12 RICHARD SEEBORG  
13 United States Magistrate Judge

14 Distribute to:

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